

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

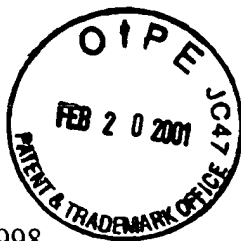
In re application of:

Joseph R. BYRUM *et al.*

Appln. No.: 09/199,129

Filed: November 24, 1998

For: Nucleic Acid Molecules and Other  
Molecules associated with Plants



Art Unit: 1635

Examiner: K Lacourciere

Atty. Docket: 38-21(15075)B

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**Statement Regarding Sequence Submission**

Commissioner for Patents  
Washington, DC 20231

Madam:

In accordance with 37 C.F.R. § 1.821(f) and § 1.821(g), the substitute paper copy of the sequence listing and the substitute computer readable copy (Copy 1, Copy 2 and CRF) submitted herewith are the same. The substitute computer readable copy contains no new matter.

Respectfully submitted,

*Linda T. Parker*  
*by June E. Cdn*

Linda T. Parker (Reg. No. 46,046)

Reg No.  
43,741

Date: February 20, 2001

Patent Department, E2NA Monsanto Company  
800 Lindbergh Blvd.  
St. Louis, MO 63167  
Tel: 314-694-3602  
FAX: 314-737-6047



Application No.: 09/199,129

Applicant

# NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

## Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Joeseeph R. BYRUM *et al.*

Appln. No.: 09/199,129

Filed: November 24, 1998

For: Nucleic Acid Molecules and Other  
Molecules associated with Plants



Art Unit: 1635

Examiner: K Lacourciere

Atty. Docket: 38-21(15075)B

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**Response to Notice to Comply with Requirements for Patent Applications  
Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures**

Commissioner for Patents  
Washington, DC 20231

Madam:

In response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed January 17, 2001, Applicants submit the following documents for appropriate action by the U.S. Patent and Trademark Office:

1. Copy of Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;
2. Substitute sequence listing (Copy 1 and Copy 2) and computer readable form (CRF) for the above referenced application, all on CD-R;
3. A statement regarding sequence listing under 37 C.F.R. § 1.821(f) and 1.821(g);
4. A substitute paper copy of the sequence listing; and
5. An amendment to enter the sequence listing into the specification.

The Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, stated that the present application failed to comply with the requirements of 37 C.F.R. § 1.822 and/or § 1.823.

Applicants are submitting a substitute computer readable copy of the sequence listing (on three CD-Rs: Copy 1, Copy 2 and a CRF), a substitute paper copy of the sequence listing and a statement under 37 C.F.R. § 1.821(f) § 1.821(g) in response to the Notice.

It is not believed that any fees other than for a one-month extension of time are required at this time. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No.

13-4125. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 13-4125.

Respectfully submitted,

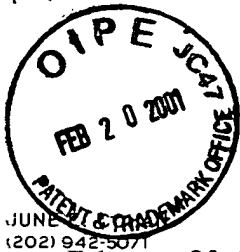
*Linda T. Parker*  
*by June E. Cole*

Linda T. Parker (Reg. No. 46, 046)

Reg. No.  
43,741

Date: February 20, 2000

Patent Department, E2NA Monsanto Company  
800 Lindbergh Blvd.  
St. Louis, MO 63167  
Tel: 314-694-3602  
FAX: 314-737-6047



February 20, 2001

ARNOLD & PORTER

555 TWELFTH STREET, N.W.  
WASHINGTON, D.C. 20004-1206

(202) 942-5000  
FACSIMILE: (202) 942-5999

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NEW YORK  
DENVER  
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LONDON

Commissioner for Patents  
Washington, DC 20231

Attention: Examiner K. Lacourciere

Re: U.S. Utility Application No. 09/199,129  
Filed: November 24, 1998; Group Art Unit: 1636  
For: Nucleic Acid Molecules and Other Molecules  
Associated with Plants  
Inventors: Joseph R. BYRUM *et al.*  
Atty. Docket: 38-21(15075)B

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office (PTO) are the following documents:

1. Response to Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;
2. Copy of the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;
3. Amendment;
4. a substitute Sequence Listing on CD-R (three CD-Rs: Copy 1, Copy 2, and CRF);
5. a substitute Sequence Listing on paper (2277 pages);
6. Statement Regarding Sequence Submission;
7. Petition for Extension of Time Under 37 C.F.R. § 1.136 (in duplicate);
8. Check No. 84 for \$110.00 (from Account of David R. Marsh) to cover the fee for a one-month extension of time; and
9. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 01-2510. A duplicate copy of this letter is enclosed.

Sincerely,

David R. Marsh (Reg. No. 41,408)  
June E. Cohan (Reg. No. 43,741)

Enclosures